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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,414	11/14/2003	W. Frank Little	LIT06A	2741
7590	06/04/2004		EXAMINER	
Alton W. Payne Suite 200 5001 Bissonnet Bellaire, TX 77401			SLACK, NAOKO N	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,414	LITTLE, W. FRANK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naoko Slack	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 April 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 3 is/are allowed.  
 6) Claim(s) 1,2 and 4-11 is/are rejected.  
 7) Claim(s) 2,4,5 and 9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show numeral 18 as described in the specification on page 6, line 24. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 5, line 1, "inner" should be - - outer - -. Appropriate correction is required.

### ***Claim Objections***

Claims 2, 4, 5, and 9 are objected to because of the following informalities:

In the preamble of claim 2, line 1, the subcombination of a universal stud is claimed; however, in claim 2(g), the channel of the stud is positively claimed in combination with a wall partition or ceiling panel. Specifically, "...the channels receive and removeably secure at least one of the demountable wall partition and the demountable ceiling panel between the channels" (lines 15-17). It is unclear if applicant intends to claim the

subcombination of the stud alone or the combination of the stud with the panels. For purposes of examination, it is assumed that applicant intends to claim the stud alone.

In claims 4 and 5, "means for removably securing the stud to the partition" (lines 2-3) has not been described in the specification.

Similarly in claim 9, "additional materials" have not been disclosed in the specification.

### ***Claim Rejections – 35 USC 102***

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 11 are rejected under 35 USC 102(b) as being clearly anticipated by US Patent 3,866,364 to Pollard.

Claim 1:

Pollard discloses a universal stud (11, Figure 1) comprising at least one base (the upper horizontal section) having a first and second end, the base having sufficient structure for removably engaging only one of a demountable wall partition and a demountable ceiling panel (26, Figure 2) and a plurality of arms extending from the base such that two arms and the base define a channel for receiving one of the demountable wall partition and the demountable ceiling panel, such that the universal stud can be oriented vertically to accept

a demountable wall partition or can be oriented horizontally to receive at least one of the demountable wall partition and the demountable ceiling panel.

Claim 2:

Pollard discloses a universal stud wherein the plurality of arms comprises a first arm extending from the first end of the base, a second arm extending from the second arm of the base, a third arm extending from the base closer to the first arm than the second arm, a fourth arm extending from the base closer to the second arm than the first arm and between the third arm and the second arm such that the exterior channel (19, Figure 2) is defined by the first arm, the third arm, and the base, the interior channel (12, Figure 2) is defined by the third arm, the fourth arm, and the base, and an inner channel (22, Figure 2) is defined by the fourth arm and the second arm, whereby the channels may receive and removably secure at least one of the demountable wall partition (26, Figure 2) and demountable ceiling panel (24, Figure 2) between the channels.

Claim 11:

Pollard discloses a universal stud comprising at least one base having a first end and a second end, the base having structure for removably engaging only one of a single demountable ceiling panel (24, Figure 2) and a plurality of arms extending from the base such that two arms and a base define a channel (16, Figure 2) for receiving the demountable ceiling panel, such that the universal stud can be oriented horizontally to receive the single demountable ceiling panel.

Claims 1, 2, 4-11 are rejected under 35 USC 102(b) as being clearly anticipated by US Patent 4,964,252 to Guliker.

Claim 1:

Guliker discloses a universal stud (13, Figure 4) comprising at least one base having a first and second end, the base having sufficient structure for removably engaging only one of a demountable wall partition (2, Figure 1) and a demountable ceiling panel (1, Figure 1) and a plurality of arms extending from the base such that two arms (24 and 29, Figure 4) and the base define a channel for receiving one of the demountable wall partition and the demountable ceiling panel, such that the universal stud can be oriented vertically to accept a demountable wall partition (2, Figure 1) or can be oriented horizontally to receive at least one of the demountable wall partition (2, Figure 1) and the demountable ceiling panel (1, Figure 1).

Claim 2:

Guliker discloses a universal stud wherein the plurality of arms comprises a first arm (24, Figure 4) extending from the first end of the base, a second arm (29, Figure 4) extending from the second arm of the base, a third arm (25, Figure 4) extending from the base closer to the first arm than the second arm, a fourth arm (28, Figure 4) extending from the base closer to the second arm than the first arm and between the third arm and the second arm such that the exterior channel is defined by the first arm, the third arm, and the base, the interior channel is defined by the third arm, the fourth arm, and the base, and an inner channel is defined by the fourth arm and the second arm, whereby the channels may

receive and removably secure at least one of the demountable wall partition (2, Figure 1) and demountable ceiling panel (1, Figure 1) between the channels.

Claim 4:

Guliker discloses means for removably securing the stud to the partition (column 7, lines 9-26).

Claim 5:

Guliker's means for removably securing the stud to the partition comprise bolts which are screwed to the outermost frame sections (column 7, lines 15).

Claim 6:

Guliker discloses that one demountable wall partition or demountable ceiling panel is used (1 and 2, Figure 1).

Claim 7:

Guliker discloses that two demountable wall partitions are used to create a space (2, Figure 1).

Claim 8:

Guliker discloses that three demountable wall partitions are used to create a space (2, Figure 1).

Claim 9:

Guliker discloses that two demountable wall partitions (2, Figure 1) are used with additional materials (1, Figure 1) disposed in the space therebetween.

Claim 10:

Guliker discloses three demountable wall partitions (2, Figure 1) are used with additional materials (1, Figure 1) disposed in the space therebetween.

Claim 11:

Guliker discloses a universal stud comprising at least one base having a first end (27, Figure 4) and a second end (22', Figure 4), the base having structure for removably engaging only one of a single demountable ceiling panel (1, Figure 1) and a plurality of arms extending from the base such that two arms and a base define a channel (16, Figure 2) for receiving the demountable ceiling panel, such that the universal stud can be oriented horizontally to receive the single demountable ceiling panel.

***Allowable Subject Matter***

Claim 3 is allowed.

***Prior Art Made of Record***

The following US Patents made of record and not relied upon are considered pertinent to applicant's disclosure: 1,413,828 to Burns; 6,341,458 to Burt; 4,712,942 to Brown; 6,006,480 to Rook; 4,689,930 to Menchetti; 4,840,440 to Dieter; and 4,841,707 to Novoa.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl D. Friedman can be reached at (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Naoko Slack

NS

May 24, 2004

Patent Examiner